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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,833	04/05/2004	Ehtesham Tataei	5257.001	3121

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ART UNIT	PAPER NUMBER
3635	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

Application No.

10/816,833

Applicant(s)

TATAEI, EHTESHAM

Examiner

Jessica Laux

Art Unit

3635

ATTACHED SHEET

Newly submitted claims 8-12 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the invention originally claimed was drawn to a floor installation having a fasteners and flooring members while the new claims are drawn to a hole making apparatus that does not requires the fasteners or flooring members fastened as in the original claims.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 8-12 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

As there are no claims for presented in proper form for examination this amendment is non-compliant.

/J. CHAPMAN/
PRIMARY EXAMINER
ART UNIT 3635

